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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/973,576	04/02/1998	BERNARD MALFROY-CAMINE	15390-00013U	7067
75	90 09/14/2005		EXAM	INER
	ARRETT-WACKOWS	SCHWADRON, RONALD B		
	t TOWNSEND & CREV	ART UNIT	PAPER NUMBER	
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	CO CA 0/111383/		1644	
SAN FRANCISCO, CA 941113834			DATE MAILED: 09/14/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

DTOL 202 (D. T. A.E.)		Application No.	Applicant(s)				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIREZ 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIREZ 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - In the state of time may be available under be providence of 37 CFR 1 19(a). In one each, however, may a reply be limitely filled intensives for which is specified shows, the maximum state top specifical will apply and will expire SN, (6) MONTHS from the mailing date of this communication.  - In the specific for reply is specified shows, the maximum state the firm and will apply a reply be limitely filled.  - In the specification is specified shows, the maximum state the realing date of this communication, even it timely filled.  - In the specification is privated by the specifical shows the specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-13.24 is/are pending in the application.  4) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s)	Office Action Summany		MALFROY-CAMINE, BERNARD				
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1) Responsive to communication(s) filed on	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING D</li> <li>Extensions of time may be available under the provisions of 37 CFR 1: after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period</li> <li>Failure to reply within the set or extended period for reply will, by statute. Any reply received by the Office later than three months after the mailing</li> </ul>	NATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from e. cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133)				
2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-13.24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s) 1) Notice of Pafisperson's Patent Drawing Review (PTO-948) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 7) Notice of Informal Patent Application (PTO-152) 6) Other:	Status						
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Application/Control Number: 08/973,576

Art Unit: 1644

1. In the decision of the BPAI mailed 3/31/2005, the previously pending rejection of claims 1-5,7-10,12-22,24 under 35 USC 112 first paragraph was reversed whilst the rejection of claims 14-23 under the judicially created doctrine of obviousness double patenting was affirmed.

- 2. The period under 37 CFR 1.304 for seeking court review of the decision by the Board of Patent Appeals and Interferences rendered 3/31/2005 has expired and no further action has been taken by appellant. The proceedings as to the rejected claims are considered terminated; see 37 CFR 1.197(b). Therefore, claims 14-22 have been cancelled. Claim 23 was previously cancelled.
- 3. Claims 1-13,24 are allowed.
- 4. This application is in condition for allowance except for the following formal matters.
- A) New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application as per the PTO-948 mailed with the Office Action of 10/27/98. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
- B) The abstract of the disclosure is objected to because it does not disclose the method of claim 1/9 with the particular limitations recited in said claims (use of hydrocarbon tail of at least 12 carbons). Correction is required. See MPEP § 608.01(b).

Prosecution on the merits is closed in accordance with the practice under *Ex* parte Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Application/Control Number: 08/973,576

Art Unit: 1644

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ron Schwadron, Ph.D. whose telephone number is 571 272-0851. The examiner can normally be reached on Monday-Thursday 7:30-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571 272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ron Schwadron, Ph.D. Primary Examiner Art Unit 1644 RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1800 \( \( \sigma \sigma \)